

Remarks/Arguments:

I. Status

The Office Action dated July 9, 2008 (the “Office Action”), has been carefully reviewed. Claims 1- 23 have been cancelled and claims 24-44 have been added. Accordingly, claims 24-44 are pending in this application. Reconsideration of this application is respectfully requested.

II. 35 U.S.C. § 102 Rejections

Claims 1, 2, 19 and 20 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,738,256 to Freeman et al. (hereinafter “Freeman”), and claims 10-12 and 14 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,342,363 to Richelsoph (hereinafter “Richelsoph”).

Claims 24, 32, and 39 are independent claims from which claims 25-31, 33-38, and 40-44 depend. Each of claims 24, 32, and 39 include limitations not disclosed in the prior art cited by the Examiner. Specifically, claim 24 recites “a cutter mount configured to support the at least one cutter such that the cutter axis intersects the longitudinal axis at a first angle” and “a shaft alignment bracket configured to support the drive shaft at a fixed angular relationship with respect to the frame shaft such that the drive shaft axis intersects the cutter axis at a second angle, wherein the second angle is about equal to or greater than the first angle.” Neither Freeman nor Richelsoph disclose both a cutter mount and a shaft alignment bracket including the characteristics required by claim 24 for a cutter mount and a shaft alignment bracket.

Claim 32 recites “a bracket assembly configured to (i) support the at least one cutter such that the cutter axis intersects the longitudinal axis at a first angle, and (ii) support the drive shaft at a fixed angular relationship with respect to the frame shaft, wherein the drive shaft axis is about parallel to the longitudinal axis.” Neither Freeman nor Richelsoph disclose a bracket assembly that supports a cutter and a drive shaft at different angles as required by claim 32.

Finally, claim 39 recites “a cutter mount fixedly attached to the frame shaft and defining a cutter mount axis that intersects the longitudinal axis at a first angle” and “a shaft alignment bracket fixedly attached to the frame shaft and defining a drive axis, the drive axis substantially parallel to the longitudinal axis.” Neither Freeman nor Richelsoph disclose both a cutter mount and a shaft alignment bracket including the characteristics required by claim 39.

Therefore, each of claims 24, 32, and 39 recite structural limitations which are not provided by the devices of Freeman or Richelsoph. Moreover, each of the claims 25-31, 33-38, and 40-44 depend, either directly or by way of one or more intermediate claims, from one of claims 24, 32, or 39. Since neither Freeman nor Richelsoph disclose each and every element of Applicants’ claims 24-44, the Applicants respectfully submit that claims 24-44 are patentable over Freeman and Richelsoph.

III. 35 U.S.C. § 103 Rejections

Claims 3-6, 9, and 21-23 were rejected under 35 U.S.C. § 103 as being unpatentable over Freeman in view of U.S. Patent No. 5,643,271 to Sederholm et al. (hereinafter “Sederholm”), claims 7 and 8 were rejected under 35 U.S.C. § 103 as being

unpatentable over Freeman and Sederholm in view of Richelsoph, and claims 13 and 15 were rejected under 35 U.S.C. § 103 as being unpatentable over Richelsoph in view of Freeman. None of the cited art discloses all of the elements in the claims 24-44 and the modifications previously proposed by the Examiner do not arrive at the invention of claims 24-44.

Specifically, modification of Freeman with the sleeve disclosed by Sederholm, as proposed at page 6 of the Office Action, does not arrive at a device with both a cutter mount and a shaft alignment bracket including the characteristics required by claim 24, a bracket assembly including the characteristics required by claim 32, or both a cutter mount and a shaft alignment bracket including the characteristics required by claim 39.

Likewise, modification of the proposed combination of Freeman and Sederholm to include the shell of Richelsoph, as proposed at page 7 of the Office Action, does not arrive at a device with both a cutter mount and a shaft alignment bracket including the characteristics required by claim 24, a bracket assembly including the characteristics required by claim 32, or both a cutter mount and a shaft alignment bracket including the characteristics required by claim 39.

Finally, modification of the device of Richelsoph to incorporate the universal joint of Freeman, as proposed at page 8 of the Office Action, does not arrive at a device with both a cutter mount and a shaft alignment bracket including the characteristics required by claim 24, a bracket assembly including the characteristics required by claim 32, or both a cutter mount and a shaft alignment bracket including the characteristics required by claim 39.

Therefore, for at least the reason that the prior art does not disclose each element of claims 24-44, either alone or in combination, claims 24-44 are patentable over the prior art.

IV. New Claims

Claims 24-44 include limitations which are shown in FIGs. 2 and 5 and described, inter alia, at page 14, lines 5-15 and page 15, lines 1-10. Accordingly, no new matter is introduced by way of the new claims and Applicants respectfully request entry of the amendments and favorable consideration of the application.

V. Conclusion

A prompt and favorable action on the merits is requested.

Respectfully Submitted,
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